

1 Adam Paul Laxalt
2 *Nevada Attorney General*
3 Lawrence VanDyke (NSB 13643C)
4 *Solicitor General*
5 C. Wayne Howle (NSB 3443)
6 *Chief Deputy Attorney General*
7 OFFICE OF THE ATTORNEY GENERAL
8 100 North Carson Street
9 Carson City, Nevada 89701
10 (775) 684-1100/1108 (Tel./Fax)
11 LVanDyke@ag.nv.gov
12 WHowle@ag.nv.gov
13 *Attorneys for State of Nevada*
14 Christopher Hicks, Esq. (NSB 7747)
15 District Attorney
16 Michael W. Large, Esq. (NSB 10119)
17 Deputy District Attorney
18 WASHOE COUNTY DISTRICT ATTORNEYS'
19 OFFICE
20 1 South Sierra Street, South Tower, 4th Floor
21 Reno, Nevada 89501
22 775-328-3200 (Telephone)
23 *Attorneys for Washoe County, Nevada*
24 Laura K. Granier, Esq. (NSB 7357)
25 *laura.granier@dgsllaw.com*
26 DAVIS GRAHAM & STUBBS LLP
27 50 W. Liberty Street, Suite 950
28 Reno, Nevada 89501
(775) 229-4219/ (775) 403-2187 (Tel./Fax)
Attorneys for Counties and Private Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WESTERN EXPLORATION LLC, et al.,

Plaintiffs,

v.

U.S. DEPARTMENT OF THE INTERIOR,
et al.,

Defendants.

Case No. 3:15-cv-00491-MMD-VPC
ORDER ON
STIPULATION REGARDING
EXPEDITED BRIEFING

1 Counsel for Defendants U.S. Bureau of Land Management (“BLM”), *et al.*, counsel for
 2 Plaintiffs State of Nevada, ex rel. Adam Paul Laxalt, *et al.*, and counsel for proposed Intervenor
 3 The Wilderness Society, *et al.*, have conferred and propose the following schedule to govern the
 4 proceedings in this case.

5 The government asserts that this case is brought pursuant to the Administrative Procedure
 6 Act, 5 U.S.C. §§ 701-06, and shall be resolved on cross-motions for summary judgment based on
 7 the agencies’ administrative records, in accordance with Local Rule 16-1(c)(1). The Plaintiffs
 8 generally believe this case is a judicial review proceeding that will be resolved based upon the
 9 record but reserve all rights should issues arise during briefing.
 10

11 At the conclusion of the hearing on Plaintiffs’ Motion for Preliminary Injunction, the
 12 Court indicated it would consider the instant case on an expedited basis. Accordingly, the
 13 Plaintiffs and Defendants, by and through their undersigned counsel, hereby stipulate to the
 14 following expedited briefing schedule:
 15

- 16 1. Defendants shall serve the U.S. Forest Service administrative record and the first
 17 two parts of the Bureau of Land Management administrative record on electronic
 18 media, such as DVDs or USB drive, on Plaintiffs by no later than January 29,
 19 2016.
- 20 2. Defendants shall serve the remainder of the administrative record on Plaintiffs
 21 and file the entire administrative record on electronic media, such as DVDs or
 22 USB drive, with the Court by no later than February 15, 2016.
- 23 3. Plaintiffs shall file their motion for summary judgment and brief in support of
 24 their motion for summary judgment by no later than April 1, 2016.
 25
 26
 27
 28

- 1 4. Defendants shall file their cross-motion for summary judgment and combined
2 brief in support of their motion for summary judgment and in opposition to
3 Plaintiffs' motion by no later than May 13, 2016.
- 4 5. If the proposed Intervenor are granted intervention, Intervenor shall file their
5 cross-motion for summary judgment and combined brief in support of their
6 motion for summary judgment and in opposition to Plaintiffs' motion by no later
7 than May 20, 2016.
- 8 6. Plaintiffs shall file their combined opposition to Defendants' and Intervenor's
9 motions for summary judgment and reply in support of their motion for summary
10 judgment by no later than June 6, 2016.
- 11 7. Defendants shall file their reply in support of their motion for summary judgment
12 by no later than June 30, 2016. If proposed intervenors are granted intervention,
13 they will file their reply in support of their motion for summary judgment also by
14 no later than June 30, 2016.¹
- 15 8. Plaintiffs shall have the option to file a surreply in support of their motion for
16 summary judgment by no later than July 11, 2016 or submit a notice they do not
17 intend to file such brief.
- 18 9. If Plaintiffs believe Defendants have omitted materials that should be part of the
19 record or otherwise properly considered by the Court, the parties agree Plaintiffs
20 may cite to and attach such documents to their brief on the condition that they file
21
22
23

24 ¹ Proposed intervenors believe it would be more appropriate that they be granted an
25 additional week to file their reply after Defendants file theirs in order to avoid duplication of
26 Federal Defendants' arguments. Given that the parties are proposing an expedited schedule and
27 both sides made concessions to reach agreement on these dates, Plaintiffs and Defendants are
28 proposing the same deadline for Defendants and proposed Intervenor so that if no surreply is
filed by Plaintiffs briefing can be completed by the end of June 2016.

a motion to supplement the record with such documents. Defendants will file any opposition to such motion to supplement with their responsive summary judgment brief and reserve the right to oppose on any basis and to seek to strike the documents and the relevant portions of the briefs. Plaintiffs will have an opportunity to submit a reply in support of such motion to supplement with their summary judgment reply brief and similarly reserve all rights relative to such disputes about the record. The parties have agreed, however, that such disputes shall be resolved through such motion practice concurrent with the briefing on the merits in the interest of proceeding on an expedited basis.

10. The parties agree to avoid redundancy, they will not submit separate detailed statements of fact under Local Rule 56-1 with their summary judgment briefs but instead will include brief discussions of the facts and references to relevant facts necessary to their arguments being raised in their summary judgment briefs.

11. Plaintiffs' and Defendants' initial summary judgment briefs shall be no more than 45 pages and Plaintiffs' combined opposition and reply brief and Defendants' reply brief shall be no more than 30 pages. Any surreply filed by Plaintiffs shall be limited to 15 pages. If proposed intervenors are granted intervention, they will comply with the local rules for the length of their briefs.

Counsel for Defendants and proposed Intervenors have authorized Plaintiffs' counsel to file this stipulation on behalf of the parties.

Respectfully submitted this 24th day of December, 2015.

OFFICE OF THE ATTORNEY GENERAL

Adam Paul Laxalt
Attorney General of Nevada

By: /s/ Lawrence VanDyke
Lawrence VanDyke (NSB 13643C)
Solicitor General
C. Wayne Howle (NSB 3443)
Chief Deputy Attorney General

Attorneys for State of Nevada

**WASHOE COUNTY DISTRICT
ATTORNEY**

Christopher Hicks
District Attorney

By: /s/ Michael W. Large
Michael W. Large (NSB 10119)
Deputy District Attorney

Attorneys for Washoe County, Nevada

DAVIS GRAHAM & STUBBS LLP

By: /s/ Laura K. Granier
Laura K. Granier (NSB 7357)

*Attorneys for Plaintiffs Churchill County,
Elko County, Eureka County, Humboldt
County, Lander County, Lincoln County,
Pershing County, and White Pine County,
and Plaintiffs Western Exploration LLC,
Quantum Minerals LLC, Paragon Precious
Metals, LLC, and Ninety-Six Ranch, LLC*

DANIEL G. BOGDEN
United States Attorney
HOLLY A. VANCE
Assistant United States Attorney

JOHN C. CRUDEN
Assistant Attorney General

LUTHER L. HAJEK, Trial Attorney
BARCLAY SAMFORD, Trial Attorney
U.S. Department of Justice
Environment and Natural Resources Division

Natural Resources Section
999 18th Street
South Terrace, Suite 370
Denver, CO 80202
Tel: 303-844-1376 / 303-844-1475
Fax: 303-844-1350
E-mail: Luke.Hajek@usdoj.gov
Clay.Samford@usdoj.gov

TANYA NESBITT, Trial Attorney
U.S. Department of Justice
Environment and Natural Resources Division
Natural Resources Section
601 D Street, NW
Washington, DC 20004
Tel: 202-305-0457
Fax: 202-305-0274
E-mail: Tanya.Nesbitt@usdoj.gov

Attorneys for Defendants

IT IS SO ORDERED:



UNITED STATES DISTRICT JUDGE

Dated: December 28, 2015